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14
UNITED STATES DISTRICT COURT
 15
DISTRICT OF NEVADA

16 DALE EDWARD FLANAGAN,
 17 Petitioner,

18 v.

19 JEREMY BEAN, WARDEN OF HIGH
 20 DESERT STATE PRISON, ET AL.,
 21 Respondents.

22 Case No. 2:09-cv-00085-KJD-GWF

23 **Order Sealing State Record and for Protecting
 24 Documents**

25 **DEATH PENALTY CASE**

26 Pending before the Court is Petitioner's Unopposed Motion to File Sealed State Record
 27 Under Seal and for a Protective Order. ECF No. 230.

28 GOOD CAUSE appearing, **IT IS ORDERED** that Volume 34 of the state court record
 29 on appeal in the Nevada Supreme Court in *Flanagan v. State*, Case No. 40232, and lodged herein,
 30 shall be filed under seal.

31 **IT IS FURTHER ORDERED**, based on the parties' stipulation, and pursuant to *Bittaker*
 32 *v. Woodford*, 331 F.3d 715 (9th Cir. 2003), the following Protective Order shall govern the

dissemination and use of any documents contained in volume 34 of the state court record and filed under seal with this Court:

1. All privileged documents and testimony produced to Respondents in this action may be used only for purposes of litigating this habeas corpus proceeding by: (a) Petitioner and the members of the legal team who are appointed to litigate this matter, including, but not limited to, outside investigators, consultants and expert witnesses; and (b) Respondents and the members of the legal team, assigned to this proceeding by the Nevada Attorney General's Office, and persons retained by Respondents' counsel to litigate this matter, including, but not limited to, outside investigators, consultants and expert witnesses. This Protective Order extends to members of the legal teams and all persons retained by the parties to litigate this matter.

2. Except for disclosures to the persons and agencies described in Paragraph 1, disclosure of the contents of the documents and testimony and the documents and testimony themselves shall not be made to any other persons or agencies, including, but not limited to, prosecutorial agencies and law enforcement personnel, without this Court's order.

3. This order shall continue in effect after the conclusion of the habeas corpus proceedings and specifically shall apply in the event of a retrial of all or any portion of Petitioner's criminal case. Any modification or vacation of this order shall only be made upon notice to and an opportunity to be heard from both parties.

IT IS FURTHER ORDERED that Counsel for Petitioner shall serve a copy of the sealed volume on counsel for Respondents within **five** days from the entry of this order.

DATED: 12/4/2025



UNITED STATES DISTRICT JUDGE